

CIVIL SERVICE COMMISSION MINUTES

APRIL 21, 2004

A meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Marc Sandstrom
A.Y. Casillas
Barry I. Newman
Francesca Krauel

Absent was:

Gordon Austin

Comprising a quorum of the Commission

Support Staff Present:

Larry Cook, Executive Officer
Ralph Shadwell, Senior Deputy County Counsel
Selinda Hurtado-Miller, Reporting

Approved
Civil Service Commission

May 5, 2004

**COUNTY OF SAN DIEGO
CIVIL SERVICE COMMISSION MINUTES
APRIL 21, 2004**

1:30 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California 92101

<u>Discussion Items</u> 4,5,6,7,8,9,10	<u>Continued</u> 5,6	<u>Referred</u>	<u>Withdrawn</u>
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COMMENTS: Motion by Newman to approve all items not held for discussion; seconded by Casillas. Carried.

**CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the public may be present at this
location to hear the announcement of the
closed session agenda.**

- A. Commissioner Sandstrom: **Patricia Peel**, Administrative Secretary I, appealing an Order of Suspension and Charges from the Health and Human Services Agency.
- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Case Number: GIC 827938

**OPEN SESSION AGENDA
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

MINUTES

1. Approval of the Minutes of the regular meeting of April 7, 2004.

Approved.

CONFIRMATION OF ASSIGNMENTS

2. Commissioner Newman: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Vivian Chee**, Licensed Mental Health Clinician, appealing an Order of Suspension and Charges from the Health and Human Services Agency (HHSA).

Confirmed.

3. Commissioner Casillas: Donna Clark-Richardson, SEIU Local 2028, on behalf of **Richard Pesin**, former Air Quality Inspector I, appealing an Order of Removal and Charges from the Air Pollution Control District.

Confirmed.

DISCIPLINE

Findings

4. Commissioner Sandstrom: **Patricia Peel**, Administrative Secretary I, appealing an Order of Suspension and Charges from the HHSA.

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause I - Incompetency (leaving confidential files on desk); Cause II - Insubordination (refusal to meet with supervisor to discuss work assignments and general supervision); Cause III - Discourteous treatment; Cause IV - Failure of Good Behavior; and Cause V - Conduct Unbecoming an Officer or Employee of the County.

The Health and Human Services Agency sought to suspend Employee for two days based on various incidences involving primarily her failure to follow directives and discourteous treatment of co-workers. The appealed discipline was an incremental step in extensive but recent prior discipline. Employee had a ten-year record of mostly "Above Standard" performance and her presentation at the Commission hearing demonstrated preparation, organization and intelligence. However, the Agency proved most, but not all, of its charges. The appealed suspension had already been reduced from five days to two days in a Skelly conference. The remaining suspension was proportionate to the proven charges and is appropriate progressive discipline. The Agency proved the charges under Cause I(A), Cause I(B), Cause I(C), and Cause II(B). The Agency failed to prove the charges under Cause II(A) and Cause III. Employee is guilty of Cause I, II, IV (to the extent of the proven charges only); and Cause V.

It is therefore recommended that the Order of Suspension and Charges be affirmed; that the Commission read and file this report; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Sandstrom to approve Findings and Recommendations; seconded by Newman. Carried.

DISCRIMINATION

Complaints

5. **Regina Mitchell**, Residential Care Worker I, HHSA, alleging race discrimination by the HHSA.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back. (See No. 6 below.)

Larry Cook, Executive Officer, advised the Commission that Ms. Mitchell claims that there are new facts in this matter. The Commission opted to continue this matter until the next regular meeting in order to review additional information.

Continued.

SELECTION PROCESS

Complaints

6. **Regina Mitchell**, Residential Care Worker I, HHSA, appealing her non-selection for the classification of Residential Care Worker II by the HHSA.

RECOMMENDATION: Hold in abeyance pending the outcome of the discrimination investigation. (See No. 5 above.)

Continued. (See No. 5 above.)

SUBORGANIZATIONAL LAYOFFS

7. Steven J. Carroll, Public Defender, requesting approval for suborganizational layoffs within the Dependency and Adult Criminal Divisions of the Department of the Public Defender.

RECOMMENDATION: Grant Request.

Dennis Hayes, Esq., representing the Public Defender's Association, requested a continuance in this matter. He stated that the employees involved in the suborganizational layoff have not had adequate time to review all the documentation regarding this matter.

The Commission heard discussion from County Counsel and Carlos Arauz, Director of Human Resources as well as Steven Carroll, Public Defender. After taking all input into consideration, the Commission approved the suborganizational layoff.

Motion by Sandstrom to approve suborganizational layoff; seconded by Krauel. Carried.

8. Timothy A. Chandler, Alternate Public Defender, requesting approval for suborganizational layoffs within the Dependency and Criminal Divisions of the Department of the Alternate Public Defender.

RECOMMENDATION: Grant Request.

The Commission was addressed by Timothy Chandler, Alternate Public Defender, Bart Sheela, Esq., and Marian Modrak, Union President.

Commissioner Krauel stated that due to the portability between the criminal and dependency divisions of the Alternate Public Defender, this proposed layoff should be based on seniority.

Motion by Krauel to deny request for suborganizational layoff; no second. Motion fails for lack of second.

Motion by Casillas to approve the suborganizational layoff; seconded by Sandstrom. Carried.

AYES: Sandstrom, Casillas, Newman
NOES: Krauel
ABSTENTIONS: None
ABSENT: Austin

OTHER MATTERS

9. Executive Officer Classification: Updated Job Specification.

The Commission reviewed the Job Specifications for the Civil Service Executive Officer position. With some minor amendments, the Commission voted to approve the Job Specifications as amended, not including the Executive Officer salary issue. The Executive Officer salary range will be continued to the next regular meeting of the Civil Service Commission.

Motion by Newman to approve Job Specifications; seconded by Casillas. Carried.

Extension of Temporary Appointments

10. Office of the Medical Examiner (Continued from the Commission's April 7, 2004 meeting.)

1 Principal Administrative Analyst (Janet Enright)

RECOMMENDATION: Ratify.

Suzi Kuklinski, Human Resources Manager, briefly explained the need for the extension and stated that in the future, DHR will note on the agenda backup documents the reason(s) for the extension request.

Motion by Newman to ratify extension; seconded by Casillas. Carried.

11. Public Input.

ADJOURNMENT: 4:05 p.m.

NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION: MAY 5, 2004.